



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GROVER SELLERS
ATTORNEY GENERAL

Hon. G. C. Olson
County Attorney
Winkler County
Mermit, Texas

Dear Sir:

Opinion No. O-6439
Re: Salary of the County
Treasurer of Winkler
County.

Your letter of February 24, 1945, requesting the opinion of this department upon the question stated therein, is as follows:

"The Commissioners' Court of Winkler County, Texas, has asked that I secure from you an opinion based upon the above captioned opinion, and which opinion will answer this particular question. As of August 24, 1935, the County Treasurer of Winkler County, Texas, was receiving a compensation of \$2,000.00 per year, payable in 12 equal monthly installments. On the basis of the above opinion, is the Commissioners' Court of Winkler County, Texas, permitted to pay such County Treasurer of Winkler County, Texas, the 11% additional under Section 15 of Article 3912e V.A.C.S.? At your earliest convenience, I shall appreciate hearing from you regarding this matter."

You refer to our opinion No. O-6388, addressed to you, holding in effect that the Commissioners' Court of Winkler County can legally fix the salaries of county officers for the year 1945, at an 11% increase over and above the maximum allowed such officers by law on August 24, 1935.

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Section 15 of Article 3912e, Vernon's Annotated Civil Statutes, provides, in part:

"The commissioners' court in counties having a population of less than Twenty Thousand (20,000) inhabitants, according to the last preceding Federal Census, at the first regular meeting in January of each calendar year, may pass an order providing for compensation of all county and precinct officers on a salary basis. The commissioners' court in each of such counties is hereby authorized, and it shall be his duty to fix the salaries of criminal district attorneys. In the event such court passes such order, they shall pay to each of said district and county officers in money an annual salary in twelve (12) equal installments of not less than the total sum earned as compensation for said officers in said official capacity for the fiscal year 1935 and not more than the maximum allowed such officer under laws existing August 24, 1935, provided, that the counties having a population of less than Twenty Thousand (20,000) inhabitants, according to the last preceding Federal Census, and having an assessed valuation in excess of Ten Million (\$10,000,000) Dollars, according to the last preceding approved tax roll of such county, the maximum allowed such officers as salaries may be increased One (1%) per cent for each One Million (\$1,000,000) Dollars valuation, or a fractional part thereof, in excess of said Ten Million (\$10,000,000) Dollars valuation over and above the maximum amount allowed such officers under the laws existing on August 24, 1935; provided, however, no salaries covered by this section shall exceed the sum of Four Thousand Five Hundred (\$4,500) Dollars regardless of the percentage of increase in population and valuation and provided further that in all counties having a population of not less than Twenty Thousand and One (20,001) and not more than Twenty-five Thousand (25,000), according to the last preceding Federal Census, and which has an assessed valuation in excess of Twenty-five Million (\$25,000,000) Dollars, according to the last preceding approved tax rolls of such county, the county judge, sheriff, county attorney, assessor and collector of taxes, county clerk and district clerk, the maximum salaries hereby fixed at Three Thousand Seven Hundred and Fifty (\$3,750.00) Dollars. . . ."

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Winkler County has a population of 6,141 inhabitants according to the 1940 Federal Census, and a tax valuation of \$20,819,098.00, according to the 1944 approved tax rolls, and the commissioners' court of said county has passed an order providing for the compensation of all county officers on a salary basis. Therefore, Section 15 of Article 3912e is applicable to said county.

The county treasurer of Winkler County, as well as other county officials of said county, is compensated on an annual salary basis rather than on a fee or commission basis. When the county treasurer is compensated on an annual salary basis, Articles 3941, 3942 and 3943 are not applicable to the extent of limiting the additional compensation of the county treasurer as authorized by Section 15, Article 3912e.

In view of the foregoing, your question is answered in the affirmative.

Yours very truly

ATTORNEY GENERAL OF TEXAS

BY *Jno C. Knorrpp*
Jno. C. Knorrpp
Assistant

JCK;mp

APPROVED MAR 12 1945

Carl P. Ashley
FIRST ASSISTANT
ATTORNEY GENERAL

